

**REMARKS**

**I. Introduction**

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

**II. The Rejection Of Claim 2 Under 35 U.S.C. § 103**

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheynet et al. (U.S. 6,621,004) in view of Davis et al. (U.S. 5,741,313). Applicants respectfully submit that Cheynet et al., alone or in combination with Davis et al., fails to render the pending claims obvious for at least the following reasons.

With regard to the present invention, claim 2 recites, in-part, a display apparatus comprising: a casing having an opening; a display panel which is housed inside of the casing and has an image display region facing to the opening; a protecting panel for closing the opening; the protecting panel being held in such a manner that a marginal portion of the protecting panel is pressed against at least one of the display panel and the casing; and holding members for holding the protecting panel therein, wherein the holding members are fixed to the casing, and the protecting panel is held in such a manner that the marginal portion of the protecting panel is retained between the casing and the holding members, the marginal portion is held via a restorative member having flexibility, and the restorative member is a foam, and a surface of the foam in contact with the marginal portion is bonded to the marginal portion.

In contrast to the claimed invention, Cheynet does not disclose a holding member for holding the protecting panel, wherein the holding member is fixed to the casing. Cheynet only discloses a rim of the top shell (casing) 28 in which the protecting panel 22 is affixed (see, for

example, Figs. 1 and 2). Accordingly, Cheynet cannot disclose that the marginal portion of the protecting panel 22 be retained between the casing 12 and the holding members as there are no holding members disclosed in Cheynet. Further, even if one considers that the rim of top shell 28 is a holding member, Cheynet does not disclose a marginal portion of a protecting panel 22 situated between the casing 12 and the rim of the top shell 28. The protecting panel is affixed *onto* the top shell, it is not held *between* the casing and holding members.

Furthermore, Cheynet discloses that a glue layer 35 is used to affix the protecting panel 22 to the casing 12 (Fig. 2). However, claim 2 of the present invention discloses the protecting panel is held in such a manner that the marginal portion of the protecting panel is retained between the casing and the holding members, the marginal portion is held via a restorative member having flexibility, and the restorative member is a foam, and a surface of the foam in contact with the marginal portion is bonded to the marginal portion, all of which Cheynet fails to disclose.

Thus, even if Davis et al. disclosed the use of a restorative member having foam, the above cited combination still fails to disclose holding members for holding the protecting panel therein, wherein the holding members are fixed to the casing and that the protecting panel being held in such a manner that the marginal portion of the protecting panel is retained between the casing and the holding members.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As both Cheynet et al. and Davis et al. fail to disclose holding members for holding the protecting panel therein, wherein the holding members are fixed to the casing, that the protecting panel is retained between the display panel and the casing the marginal portion of

the protecting panel is retained between the casing and the holding members, it is submitted that Cheynet et al., alone or in combination with Davis et al. does not render claim 2 obvious.

Accordingly, it is respectfully requested that the § 103 rejection of claim 2, and any pending claims dependent thereon be withdrawn.

**III. The Rejection Of Claim 3 Under 35 U.S.C. § 103**

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheynet et al. in view of Clunn (U.S. 5,033,247) and Robichaud et al. (U.S. 5,920,195). Applicants respectfully submit that Cheynet et al. or Robichaud, alone or in combination with Clunn, fail to render the pending claims obvious for at least the following reasons.

With regard to the present invention, claim 3 recites, in-part, a display apparatus comprising: a casing having an opening; a display panel, which is housed inside of the casing and has an image display region facing to the opening; and a protecting panel for closing the opening; the protecting panel being held in such a manner that a marginal portion of the protecting panel is pressed against at least one of the display panel and the casing, wherein the marginal portion of the protecting panel is retained between the display panel and the casing, the marginal portion of the protecting panel is held via a restorative member having flexibility, and the restorative member is a foam, the foam is in contact with one of the marginal portion and the panel frame, and is bonded to only one of the respective marginal portion and panel frame.

In contrast to the present invention, Cheynet fails to disclose that the marginal portion of the protecting panel is retained between the display panel and the casing, the marginal portion of the protecting panel is held via a restorative member having flexibility, and the restorative member is a foam. Thus, even if Clunn disclosed the use of a restorative member having foam, the above cited combination still fails to disclose that the protecting panel is retained between the

display panel and the casing. Therefore, the above cited combination of Cheynet and Clunn fails to disclose the apparatus of claim 3.

Turning now to Robichaud et al., the Examiner asserts that this reference discloses the device of claim 3 except that it fails to disclose that the foam is bonded to only one of the respective marginal portion and panel frame. However, nowhere in Robichaud is there any disclosure of a protecting panel being held in such a manner that a marginal portion of the protecting panel is pressed against at least one of the display panel and the casing, wherein the marginal portion of the protecting panel is retained between the display panel and the casing, the marginal portion of the protecting panel is held via a restorative member having flexibility. As is quite obvious from Fig. 1 of Robichaud, which is also described in col. 5, lines 54-55, the “output display 34 is attached to the underside of the support frame using screws 41”.

Robichaud fails to disclose that the protecting panel (output display 34) is retained between the display panel and the casing, the marginal portion of the protecting panel is held via a restorative member having flexibility.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As Cheynet et al. and Robichaud fail to disclose that the protecting panel is retained between the display panel and the casing and the marginal portion of the protecting panel is held via a restorative member having flexibility, it is submitted that Cheynet et al., Robichaud, both alone or in combination with Clunn do not render claim 3 obvious. Accordingly, it is respectfully requested that the § 103 rejection of claim 3, and any pending claims dependent thereon be withdrawn.

IV. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 2 and 3 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

V. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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